



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**SEP 21 2017**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Charles Liapes  
Environmental Health & Safety Manager  
Iroquois Bio-Energy Company, LLC  
751 West State Road 114  
Rensselaer, Indiana 47978

Re: Notice and Finding of Violation  
Iroquois Bio-Energy Company, LLC  
Rensselaer, Indiana

Dear Mr. Liapes:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Iroquois Bio-Energy Company, LLC, (IBEC or you) under Sections 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1) and (3). We find that you have violated the Clean Air Act ("the Act") and certain associated federal and state pollution control regulations.

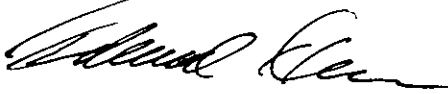
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Gregory Gehrig. You may call him at (312) 886-4434 or email him at [gehrig.greg@epa.gov](mailto:gehrig.greg@epa.gov) to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", written in a cursive style.

Edward Nam  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry, Indiana Dept. of Environmental Management  
Lynne J. Sullivan, Indiana Dept. of Environmental Management

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Iroquois Bio-Energy Company, LLC  
Northern Tier Energy, LLC  
Rensselaer, Indiana

**NOTICE OF VIOLATION and  
FINDING OF VIOLATION**

**EPA-5-17-IN-11**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. § 7401 et seq.

**NOTICE AND FINDING OF VIOLATION**

Iroquois Bio-Energy Company, LLC (IBEC or you) owns and operates an ethanol manufacturing facility at 751 West State Road 114, Rensselaer, Indiana (IBEC or the facility). At the facility, IBEC manufactures denatured ethanol and both wet and dried distiller's grain.

The U.S. Environmental Protection Agency is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to notify you that we have found violations of conditions specified in the Indiana State Implementation Plan (Indiana SIP); the New Source Performance Standards (NSPS) at 40 C.F.R. Part 60 Subpart Db, *Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units*; and the National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 C.F.R. Part 63, Subpart FFFF, *Miscellaneous Organic Chemical Manufacturing*.

**Statutory and Regulatory Background**

This NOV/FOV is based on the following statutory and regulatory provisions:

**Clean Air Act**

1. The Clean Air Act (the Act) is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

**Indiana State Implementation Plan (Indiana SIP) and Permit Conditions**

2. 326 Indiana Administrative Code (IAC) 2-8, the Federally Enforceable State Operating Permit Program, provides the State of Indiana the authority to issue Federally Enforceable State Operating Permits (FESOPs) to major sources that limit their emissions below the major source limits detailed in 326 IAC 2-7 and 40 C.F.R. Part 70. EPA approved 326 IAC 2-8 on August 18, 1995, *see* 60 Fed. Reg. 43008.

3. On February 5, 2009, the Indiana Department of Environmental Management (IDEM) issued FESOP Renewal No. F073-26405-00037 to IBEC (the 2009 Permit) pursuant to 326 IAC 2-8.
4. On April 1, 2015, IDEM issued a significant revision to FESOP No. F073-26405-00037 to IBEC pursuant to 326 IAC 2-8, identified as FESOP SPR No. 073-35225-00037 (the 2015 Permit).
5. Permit condition C.15 of the 2009 Permit and 2015 Permit requires the facility to, among other things, take reasonable response steps upon detecting an exceedance of a limitation of the Permits to restore operations of the emissions unit as expeditiously as practicable. Failure to take reasonable response steps shall be considered a deviation from the Permit, and the facility must record the reasonable response steps taken.
6. Permit condition D.2.1 of the 2009 Permit and 2015 Permit requires the facility to limit emissions below major source thresholds, including major sources of volatile organic compounds (VOCs) to below 100 tons per year (TPY) and below 10 TPY of any single hazardous air pollutant (HAP) per 326 IAC 2-7 and 40 C.F.R. Part 70. IBEC accepted limits of 99.8 TPY of VOCs and 9.35 TPY acetaldehyde, a HAP.
7. Permit condition D.2.1(b) of the 2009 Permit and 2015 Permit prohibits emissions of VOCs in excess of 1.8 pounds per 1000 gallons of ethanol produced from the fermentation process, identified as Permit Process P40 in the Permits.
8. Permit condition D.2.1(c) of the 2009 Permit and 2015 Permit prohibits emissions of total HAPs in excess of 0.271 pounds per 1000 gallons of ethanol produced from the fermentation process.
9. Permit condition D.2.1(d) of the 2009 Permit and 2015 Permit prohibits emissions of acetaldehyde (a HAP) in excess of 0.245 pounds per 1000 gallons of ethanol produced from the fermentation process.
10. Permit condition D.2.2(a) of the 2009 Permit and 2015 Permit requires the VOC emissions from the fermentation process be controlled by the wet scrubber, identified as Permit Control Device C40 in the Permits.
11. Permit condition D.2.2(b) of the 2009 Permit and 2015 Permit requires the VOC capture and control efficiency of the wet scrubber on the fermentation process to be 98%.
12. Permit condition D.2.6 of the 2009 Permit requires the wet scrubber to be operated with a flow of scrubbant (water) at or above the minimum rate as observed during the latest compliant stack test.
13. Permit condition D.2.6(c) of the 2015 Permit requires the wet scrubber to be operated with a flow of scrubbant (water) at or above the minimum rate as observed during the latest compliant stack test.

14. Permit condition D.2.7 of the 2015 Permit requires IBEC to monitor at least once daily the pressure drop across the wet scrubber, and to take a reasonable response when any one pressure reading is not between 5.0 and 29.0 inches of water. This reasonable response shall meet the requirements of permit condition C.15, including C.15(e), which requires IBEC to record reasonable response steps taken.

15. Permit condition D.3.8(a) of the 2015 Permit requires a continuous emissions monitoring system (CEMS) to monitor nitrogen oxide (NO<sub>x</sub>) emissions from the recuperative thermal oxidizer/heat recovery steam generator (TO/HRSG), identified as Permit Control Device C10 in the Permits, which controls the mashing, cooking and liquification process, identified as Permit Process P10 in the Permits.

16. Permit condition D.3.8(c) and D.3.12 of the 2015 Permit require that should a breakdown of the NO<sub>x</sub> CEMS occur on the TO/HRSG, IBEC shall record the times and reasons for the breakdown and the efforts taken to correct the system.

17. Permit conditions D.3.11(a) of the 2009 Permit and D.3.10(a) of the 2105 Permit require a continuous monitoring system (CMS) to monitor the operating temperature of the thermal oxidizer portion of the TO/HRSG. The output of the CMS is required to be recorded as a 3-hour average. This 3-hour average temperature is required to be above 1450 degrees Fahrenheit (°F) while the TO/HRSG is operating, until approved stack test results are available.

18. Permit condition D.3.10(d) of the 2015 Permit requires the facility to take a reasonable response should the operating temperature of the TO/HRSG fall below 1450 °F. This reasonable response shall meet the requirements of permit condition C.15, including C.15(e), which requires IBEC to record that reasonable response steps taken.

### **Section 111 of the Act, New Source Performance Standards**

19. Section 111(b) of the Act, 42 U.S.C. § 7411(b), requires EPA to publish a list of categories of stationary sources and, within a year after the inclusion of a category of stationary sources in the list, to publish proposed regulations establishing federal standards of performance for new sources within the source category. These performance standards are known as the NSPS. EPA codified these standards at 40 C.F.R. Part 60.

20. Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits the operation of a new source in violation of any applicable standard of performance.

### **NSPS Subpart Db. Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units**

21. NSPS Subpart Db at 40 C.F.R. § 60.40b(a) states that “the affected facility to which this subpart applies is each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 megawatts (MW) (100 million British thermal units per hour (MMBtu/hr)).”

22. NSPS Subpart Db at 40 C.F.R. § 60.44b(a) requires low release rate natural gas fired

steam generating units to meet a NO<sub>x</sub> emissions limit of 0.10 pound per million British thermal units (lb/MMBtu).

23. NSPS Subpart Db at 40 C.F.R. § 60.48b(f) requires that when NO<sub>x</sub> emission data from a unit subject to 40 C.F.R. § 60.44b are not obtained due to CEMS breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using standby monitoring systems, Method 7 of appendix A of 40 C.F.R. Part 60, Method 7A of appendix A of 40 C.F.R. Part 60, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.

### **Section 112 of the Act, National Emission Standards for Hazardous Air Pollutants**

24. Section 112 of the Act, 42 U.S.C. § 7412, requires EPA to promulgate a list of all categories and subcategories of new and existing “major sources” and “area sources” of HAPs and establish emissions standards for the categories and subcategories. These emission standards are known as the NESHAP. EPA codified these standards at 40 C.F.R. Parts 61 and 63.

25. “Major source” is defined as “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.”  
42 U.S.C. § 7412(a)(1).

26. “Stationary source” is defined as “any building, structure, facility, or installation, which emits or may emit any air pollutant.” 42 U.S.C. § 7411(a)(3).

27. “Hazardous air pollutant” is defined as “any air pollutant listed in or pursuant to” Section 112(b) of the Act. 42 U.S.C. § 7412(a)(6).

28. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. See also 40 C.F.R. §§ 61.05 and 63.4.

### **NESHAP General Provisions**

29. The NESHAP, at 40 C.F.R. Part 63, Subpart A, contains general provisions applicable to the owner or operator of any stationary source that contains an affected facility subject to the NESHAP at Part 63.

### **NESHAP Subpart FFFF. Miscellaneous Organic Chemical Manufacturing**

30. NESHAP Subpart FFFF at 40 C.F.R. § 63.2435 states that “you are subject to the requirements in this subpart if you own or operate miscellaneous organic chemical manufacturing process units (MCPUs) that are located at, or are part of, a major source of hazardous air pollutants (HAP) emissions as defined in section 112(a) of the [Act].”

31. NESHAP Subpart FFFF at 40 C.F.R. § 63.2540 and Table 12 to Subpart FFFF detail the general provisions found in 40 C.F.R. § 63 Subpart A applicable to facilities subject to Subpart FFFF, including but not limited to Startup, Shutdown and Maintenance Plan requirements in 40 C.F.R. § 63.6(e).
32. NESHAP Subpart FFFF at 40 C.F.R. § 63.2515(b) requires subject facilities to submit an Initial Notification as specified in 40 C.F.R. § 63.9(b)(2).
33. NESHAP Subpart FFFF at 40 C.F.R. § 63.2515(c) requires subject facilities to submit a Notification of a Performance Test(s) as required in 40 C.F.R. § 63.7.
34. NESHAP Subpart FFFF at 40 C.F.R. § 2520(d) requires subject facilities to submit a Notification of Compliance Status consistent with Subpart FFFF NESHAP Table 11.
35. NESHAP Subpart FFFF at 40 C.F.R. § 2520(e) requires subject facilities to submit a Compliance Report consistent with Subpart FFFF NESHAP Table 11.
36. NESHAP Subpart FFFF at 40 C.F.R. § 63.2450(a) requires subject facilities to comply with the emission limits and work practice standards listed in Tables 1-10 of Subpart FFFF NESHAP for the following emission units:
  - a. Continuous process vents;
  - b. Batch process vents;
  - c. Storage tanks;
  - d. Transfer racks;
  - e. Equipment leaks;
  - f. Waste water streams and liquid streams in open systems; and
  - g. Heat exchangers.

### **Findings**

37. EPA conducted an on-site inspection of IBEC on June 16, 2017. IBEC provided information to EPA during the inspection and subsequent to the inspection via electronic correspondence. This information included data from the operation of IBEC's scrubber and TO/HRSG since January 1, 2015, specifically: scrubber scrubbant (water) flow rates, pressure drop across the scrubber, 3-hour average temperatures of the TO/HRSG, and the monitoring results from the NO<sub>x</sub> CEMS on the TO/HRSG.
38. The inspection conducted by EPA using an optical gas imaging (OGI) camera as well as audio, visual and olfactory (AVO) observations revealed uncaptured emissions from the fermentation process from the top of the IBEC's fermenters and beer well.
39. Information provided to EPA by IBEC documents that IBEC conducted a performance test on November 15, 2012, that found VOC emissions from the fermentation process of 2.087 pounds per 1000 gallons of ethanol produced.

40. Information provided to EPA by IBEC documents that IBEC conducted a performance test on November 15, 2012, that indicated the VOC capture and control efficiency of the fermentation process scrubber is 97.15%.
41. Information provided to EPA by IBEC documents that the scrubber scrubbant (water) flow rate during the performance test on November 15, 2012, was 93.3 gallons per minute.
42. Emissions calculations performed by EPA in accordance with *the Handbook of Chemical Hazard Analysis Procedures* (FEMA, USDOT, USEPA, 1989) and based on information provided to EPA by IBEC show that uncaptured emissions of acetaldehyde from the fermentation process identified in paragraph 38 are approximately 1.35 pounds per 1000 gallons of ethanol produced.
43. The TO/HRSG (Permit Control Device C10) is a low release rate natural gas fired steam generating unit subject to regulation under NSPS Subpart Db.<sup>1</sup>
44. The facility is a major source of a single HAP, acetaldehyde, and is subject to regulation under NESHAP Subpart FFFF.

### **Alleged Violations**

#### **Permit Conditions**

45. Since November 15, 2012, IBEC has emitted VOCs above 1.8 pounds per 1000 gallons of ethanol produced from the fermentation process (Permit Process P40) in violation of Permit conditions C.15 and D.2.1(b) of the 2009 Permit and 2015 Permit.
46. Since January 1, 2015, IBEC has emitted total HAPs above 0.271 pounds per 1000 gallons of ethanol produced from the fermentation process in violation of Permit condition D.2.1(c) of the 2009 Permit and 2015 Permit.
47. Since January 1, 2015, IBEC has emitted acetaldehyde (a HAP) above 0.245 pounds per 1000 gallons of ethanol produced from the fermentation process in violation of Permit condition D.2.1(d) of the 2009 Permit and 2015 Permit.
48. Since January 1, 2015, IBEC has failed to control emissions from the fermentation process by the wet scrubber (Permit Control Device C40) in violation of Permit condition D.2.2(a) of the 2009 Permit and 2015 Permit.
49. Since November 15, 2012, IBEC has operated the VOC capture and control efficiency of the fermentation process below 98% in violation of Permit conditions C.15 and D.2.2(b) of the 2009 Permit and 2015 Permit.

---

<sup>1</sup> Permit condition E.1 of the 2015 Permit describes the relevant requirements of NSPS Subpart Db to the TO/HRSG. The requirements in Paragraphs 21 through 23 of this NOV/FOV are referenced in permit condition E.1.2.



50. From November 15, 2012, to March 30, 2015, IBEC operated the wet scrubber with a flow of scrubbant (water) below the minimum rate as observed during the latest compliant stack test in violation of Permit condition D.2.6 of the 2009 Permit.

51. Since April 1, 2015, IBEC has operated the wet scrubber with a flow of scrubbant (water) below the minimum rate as observed during the latest compliant stack test in violation of Permit conditions C.15 and D.2.6(c) of the 2015 Permit.

52. Since April 1, 2015, IBEC has failed to take and/or record a reasonable response when the pressure drop of the wet scrubber was outside of the range between 5.0 and 29.0 inches of water in violation of Permit conditions C.15 and D.2.7 of the 2015 Permit.

53. Since April 1, 2015, IBEC has failed to record the reasons for the breakdowns of the NO<sub>x</sub> CEMS on the TO/HRSG and any efforts to correct these breakdowns in violation of Permit conditions D.3.8(c) and D.3.12 of the 2015 Permit.

54. From January 1 to March 30, 2015, IBEC failed to operate the TO/HRSG at or above 1450° F on a 3-hour average in violation of Permit condition D.3.11(a) of the 2009 Permit.

55. From January 1 to March 30, 2015, IBEC failed to take and/or record a reasonable response to the operating temperature of the TO/HRSG that fell below 1450 °F in violation of Permit conditions C.15 and D.3.11(a) of the 2009 Permit.

56. Since April 1, 2015, IBEC has failed to operate the TO/HRSG at or above 1450° F on a 3-hour average in violation of Permit condition D.3.10(a) of the 2015 Permit.

57. Since April 1, 2015, IBEC has failed to take and/or record a reasonable response to the operating temperature of the TO/HRSG that fell below 1450 °F in violation of Permit conditions C.15 and D.3.10(a) of the 2015 Permit.

#### **NSPS Db. Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units**

58. Since January 1, 2015, IBEC has failed to meet the emissions limit of 0.10 lb/MMBtu for the TO/HRSG (Permit Control Device C10) in violation of 40 C.F.R. § 60.44b.

59. Since January 1, 2015, IBEC has failed to provide NO<sub>x</sub> emission data from the TO/HRSG for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days in violation of 40 C.F.R. § 60.48b(f).

#### **NESHAP Subpart FFFF. Miscellaneous Organic Chemical Manufacturing**

60. Since January 1, 2015, IBEC has failed to develop a startup, shutdown and malfunction (SSM) plan, in violation of 40 C.F.R. § 63.6(e)(3).

61. Since January 1, 2015, the facility has failed to submit an Initial Notification in violation of 40 C.F.R. § 63.2515(b).

62. Since January 1, 2015, the facility has failed to submit a Notification of a Performance Test(s) in violation of 40 C.F.R. § 63.2515(c).

63. Since January 1, 2015, the facility has failed to submit a Notification of Compliance Status in violation of 40 C.F.R. § 63.2520(d) and Subpart FFFF NESHAP Table 11.

64. Since January 1, 2015, the facility has failed to submit a Compliance Report in violation of 40 C.F.R. § 63.2520(b)(2), 63.2520(e), and Subpart FFFF NESHAP Table 11.

65. Since January 1, 2015, the facility has failed to comply with the emission limits and work practice standards listed in Tables 1-10 of Subpart FFFF NESHAP in violation of 40 C.F.R. § 63.2450(a) for the following emission units:

- a. Continuous process vents;
- b. Batch process vents;
- c. Storage tanks;
- d. Transfer racks;
- e. Equipment leaks;
- f. Waste water streams and liquid streams in open systems; and
- g. Heat exchangers.

**Environmental Impact of Violations**

66. All violations cited above demonstrate elevated emissions of VOCs and HAPs, particularly acetaldehyde.

- a. Acute exposure to acetaldehyde results in irritation of the eyes, skin, and respiratory tract, as well as erythema, coughing, pulmonary edema, and necrosis. Chronic exposure to high levels of acetaldehyde has been linked to effects similar to alcoholism, slight anemia, as well as nasal, trachea and kidney pathology. EPA lists acetaldehyde as a probable human carcinogen.
- b. VOCs contribute to ground level ozone, which can irritate the human respiratory system and reduce lung function.

Date

9/21/17

Edward Nam

Director

Air and Radiation Division



## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### Small Business Programs

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)  
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

### EPA's Asbestos Small Business Ombudsman

[www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888  
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### EPA's Compliance Assistance Homepage

[www2.epa.gov/compliance](http://www2.epa.gov/compliance)  
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### EPA's Compliance Assistance Centers

[www.assistancecenters.net](http://www.assistancecenters.net)  
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### Agriculture

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

**Automotive Service and Repair**  
[ccar-greenlink.org/](http://ccar-greenlink.org/) or 1-888-GRN-LINK

### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

### Construction

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

### Education

[www.campuserc.org](http://www.campuserc.org)

### Food Processing

[www.fpeac.org](http://www.fpeac.org)

### Healthcare

[www.hercenter.org](http://www.hercenter.org)

### Local Government

[www.lgean.org](http://www.lgean.org)

### Metal Finishing

[www.nmfrc.org](http://www.nmfrc.org)

### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

### Printing

[www.pneac.org](http://www.pneac.org)

### Ports

[www.portcompliance.org](http://www.portcompliance.org)

### Transportation

[www.tercenter.org](http://www.tercenter.org)

### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

### EPA Hotlines, Helplines and Clearinghouses

[www2.epa.gov/home/epa-hotlines](http://www2.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

### Superfund, TRI, EPCRA, RMP and Oil Information Center

[www.epa.gov/superfund/contacts/infocenter/index.htm](http://www.epa.gov/superfund/contacts/infocenter/index.htm) or 1-800-424-9346

### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 734-214-4100

### National Pesticide Information Center

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

### National Response Center

**Hotline** to report oil and hazardous substance spills - [www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

### Pollution Prevention Information Clearinghouse (PPIC) -

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799

### Safe Drinking Water Hotline -

[www.epa.gov/drink/hotline/index.cfm](http://www.epa.gov/drink/hotline/index.cfm) or 1-800-426-4791

### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone/comments.htm](http://www.epa.gov/ozone/comments.htm) or 1-800-296-1996

### Toxic Substances Control Act (TSCA) Hotline

[tsc hotline@epa.gov](mailto:tsc hotline@epa.gov) or 1-202-554-1404

### Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### State Resource Locators

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

### State Small Business Environmental Assistance Programs (SBEAPs)

[www.epa.gov/sbo/507program.htm](http://www.epa.gov/sbo/507program.htm)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### EPA's Tribal Portal

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

### EPA's Small Business Compliance Policy

[www2.epa.gov/enforcement/small-businesses-and-enforcement](http://www2.epa.gov/enforcement/small-businesses-and-enforcement)

This Policy offers small businesses special incentives to come into compliance voluntarily.

### EPA's Audit Policy

[www2.epa.gov/compliance/epas-audit-policy](http://www2.epa.gov/compliance/epas-audit-policy)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*

## CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Notice and Finding of Violation,  
No. EPA-5-17-IN-11, by Certified Mail, Return Receipt Requested, to:

Charles Liapes  
Environmental Health & Safety Manager  
Iroquois Bio-Energy Company, LLC  
751 West State Road 114  
Rensselaer, Indiana 47978

I also certify that I sent copies of the Notice of Violation and Finding of Violation by  
first-class mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Dept. of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204

and

Lynne J. Sullivan, Chief  
Compliance and Enforcement Section 2  
Office of Air Quality  
Indiana Dept. of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204

On the 22<sup>nd</sup> day of September 2017



Kathy Jones  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7647 0599